



Order Filed on June 16, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robert C. Nisenson, LLC
10 Auer Court
East Brunswick, NJ 08816
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(732) 238-8758 (fax)
RCN 6680

In Re:
Gaetano Patti

Case No.: 20-21456
Hearing Date: _____
Chapter: 13
Judge: CMG

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) and three (3) is
ORDERED.

DATED: June 16, 2021



Honorable Christine M. Gravelle
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 314-322 E. 4th Street, Plainfield, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☐ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Robert C. Nisenson, Esq./Boraie Realty

Amount to be paid: \$4500.00/\$21,000.00

Services rendered: Attorney/Realtors

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 0 claimed as exempt may be paid to the Debtor.

6. The ☐ *balance of proceeds* or the ☒ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☒ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

rev.8/1/15

9. All real estate taxes and water and sewer fees will be paid at the time of closing.
10. Other provisions: that the property is being sold free and clear to the liens of the State of New Jersey. Up to ½% of the net proceeds shall be set aside for any claims that the State of New Jersey has against the property for obligation of Louis Posada.
11. Other provisions: that in the event the co-owner Louis Posada fails to sign the closing documents, Gaetano Patti shall be granted Power of Attorney to execute all closing documents on his behalf including the Deed ½ of net proceeds shall be held in escrow for payment of claim against Louis Posada.
12. Other provisions: “The lien of Source Enterprises shall remain on the premises commonly known as 314-322 E. 4th Street, Plainfield, New Jersey until the closing proceeds are received pursuant to the payoff letter.”
13. Other provisions: “The lien of Township of Plainfield shall remain on the premises commonly known as 314-322 E. 4th Street, Plainfield, New Jersey until the closing proceeds are received pursuant to the payoff letter.”
14. Other provisions: “The lien of Donato Scioscia and Rosa Scioscia shall remain on the premises commonly known as 314-322 E. 4th Street, Plainfield, New Jersey until the closing proceeds are received pursuant to the payoff letter.”
15. The provision of Rule 6004(h) shall not be applicable to the matter and the Debtor shall be permitted to sell the property immediately.